

### REMARKS

Reconsideration and allowance of the application are respectfully requested in light of the above amendments and the following remarks.

Features of original claim 4 have been integrated into base claims 1 and 11, claim 4 has been canceled, and claims 1, 2, 5-7, and 11 have been amended for clarity.

Claims 1-7, 10, and 11 were rejected, under 35 USC §103(a), as being unpatentable over Stoylar et al. (US 6,590,890) in view of Mandyam (US 6,931,256). Claims 8 and 9 were rejected, under 35 USC §103(a), as being unpatentable over Stoylar in view of Mandyam and Wei et al. (US 2003/0204615). To the extent the rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse based on the points set forth below.

Claim 1 now defines a scheduling apparatus that determines a packet data transmission order for transmitting packet data earlier to a communication partner whose transmission path condition is detected to change rapidly and transmitting packet data later to a communication partner whose transmission path condition is detected to change slowly.

The Office Action proposes that Stoylar discloses these features in column 6, lines 3-14 (see Office Action page 4, third paragraph). The Applicants disagree.

By contrast to the proposed disclosure, Stoylar discloses scheduling the transmission of data packets to communication partners according to respective weights  $c_i$  that characterize the quality of transmission paths to the communication partners (see Stoylar col. 6, lines 3-5). More specifically, weight  $c_i$  represents the transmission power required per unit data rate to transmit data to a respective communication partner (see col. 1, lines 55-59). Stoylar discloses giving a higher transmission priority to communication partners whose transmission paths are poor, as determined by the respective weights  $c_i$  (see col. 6, lines 5-8).

Thus, Stoylar's disclosure of assigning transmission priorities based on respective channel qualities is not the same as, or similar to, the claimed feature of assigning transmission priorities based on detected rates of change of transmission path conditions.

Mandyam is not cited in the Office Action for supplementing the teachings of Stoylar in this regard.

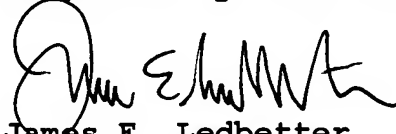
Accordingly, the Applicants submit that the teachings of Stoylar and Mandyam, considered individually or in combination,

do not render obvious the subject matter now defined by claim 1. Independent claim 11 now similarly recites the above-mentioned features distinguishing apparatus claim 1 from the applied references, but with respect to a method. Therefore, allowance of claims 1 and 11 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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